IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5092 OF 2005

M/s.Prabhat Trading Co. & Anr. ... Petitioners

V/s.

Mahendra Chatrbhuj Merchant ... Respondent

Ms.Geeta Shastry for Petitioners
None for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 9, 2005**

P.C.:

. This Petition challenges the concurrent finding of facts recorded by the Courts below. The suit premises are office premises admeasuring 350 sq.ft. at Mumbai. Obstructionist Notices have been moved by the plaintiff against the Petitioners. In that notice, an interim notice has also been taken out by the planitiff for a direction, amongst other reliefs, that the Petitioners should deposit a sum of Rs.22,000/- per month towards compensation for use of the suit premises till the obstructionist notices are heard. The trial Court and the appellate Court have considered prima facie that the Petitioners should be directed to pay, on the basis of evidence on record, an amount of Rs.2,000/- per month for use and occupation of the premises from

31.8.2001 and to continue to pay the compensation at the same rate till the obstructionist notices are finally disposed off. Both the Courts have found the amount to be reasonable compensation.

2. It is also submitted that the Court could not have fixed an amount higher than the standard rent, or in any event the amount which the Petitioners paid to the original tenant.

3. In my view, both the Courts below took into consideration all the necessary factors and have recorded a finding that by way of an interim measure, till the obstructionist notices are heard an amount of Rs.2000/- should be paid. I see no infirmity in the orders. Hence, Petition rejected.

4. Time to deposit the entire amount as directed by the trial Court is extended by eight weeks from today.